

031204

22763 U.S. PTO

IN THE U.S. PATENT AND TRADEMARK OFFICE
(Matter No. 25658-455002)

19270 U.S. PTO
10/799534

031204

In the application of:)	
)	
PARNIS ET AL.)	
)	Division of
Serial No.)	Serial No. 10/184,481
)	
Filed:)	Filed June 26, 2002
)	
For: VENTRICULAR CONNECTOR)	

REQUEST FOR FILING A DIVISIONAL APPLICATION

MAIL STOP: PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

It is hereby requested that a divisional application be filed of pending U.S. application Serial No. 10/184,481, filed June 26, 2002. Enclosed herewith are the following:

1. A copy of the prior application amended to include a statement regarding the parent application, and including new claims 1-13 (formerly claims 30-42 from the parent application which were cancelled after a restriction requirement).
2. A check for \$385 covering the filing fee. The filing fee is calculated as follows:

<u>For</u>	<u>Number Filed</u>		<u>Extra Claims</u>	<u>Number Rate</u>	<u>Fee Paid</u>
					\$ 385.00
Total Claims	13	- 20	=	x \$9	\$.00
Independent Claims	2	- 3	= 0	x \$43.00	\$.00
				Total Filing Fee	\$ 385.00

3. The parent application is assigned to HeartWare, Inc. (a Delaware Corporation).
4. HeartWare, Inc., the assignee, is a small entity and small entity status for this application is claimed.
5. A copy is enclosed of the Combined Declaration and Power of Attorney form from the parent application, and the granting of a petition under 37 C.F.R. §1.47(a). Please note that all communications regarding this continuation application should be sent to:

George H. Gerstman
SEYFARTH SHAW LLP
55 East Monroe Street
Chicago, Illinois 60603
(312) 269-8567
6. The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required or credit any overpayment during the pendency of this application under 37 CFR 1.16 or 37 CFR § 1.17 or under other applicable rules (except payment of issue fees), to Deposit Account No. 19-1351.



George H. Gerstman
Registration No. 22,419
Attorney of record in prior application

February 2, 2004
SEYFARTH SHAW LLP
55 East Monroe Street
Chicago, Illinois 60603
(312) 346-8000



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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OFFICE OF PETITIONS

George H. Gerstman
Seyfarth Shaw
55 East Monroe Street
Chicago, IL 60603

In re Application of
Long Sheng Yu, et al.
Application No. 10/184,481
Filed: June 26, 2002
Attorney Docket No. 455000

ON PETITION

This is in response to the "Request for Reconsideration of Petition under 37 CFR 1.47(a)", filed February 11, 2003.

The petition is granted.

Petitioner has shown that the non-signing inventor has either refused to join in the filing of the above-identified application or is unable to be located.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to the Office of Initial Patent Examination.

Telephone inquiries regarding this decision should be directed to Marianne Morgan at (703) 306-3475.


Frances M. Hicks

Lead Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Long Sheng Yu

Title: VENTRICULAR CONNECTOR

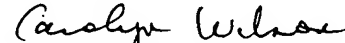
Serial No.: 10/184,481

Filing Date: June 26, 2002

Date: February 3, 2003

CERTIFICATE OF MAILING

I hereby certify that, on 2/3/03, this document is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.


Carolyn Wilson



27717

PATENT TRADEMARK OFFICE

Commissioner for Patents
Washington, D.C. 20231

RENEWED PETITION UNDER 35 U.S.C. §116 AND 37 CFR § 1.47(a)

Sir:

In response to the Dismissal of Petition mailed December 3, 2002, Applicant submits a renewed petition pursuant to 35 U.S.C. §116 and 37 C.F.R. §1.47(a) to accept the enclosed Declaration, find the Notice to File Missing Parts complied with, and move the application to examination.

1. Enclosed please find a Declaration signed by two of the three inventors. Steven N. Parnis is no longer employed by Kriton Medical, Inc., the Assignee, and we have been unable to obtain Dr. Parnis' signature on the Declaration.

2. Applicant's attorneys have attempted to find Dr. Parnis' current address. The last known address of Dr. Parnis is 7827 Prospect Court, Granite Bay, CA 95746.

3. Applicant's attorneys have identified an attorney, Mr. Etan Rosen, who represents Mr. Parnis. Applicant has contacted Mr. Rosen on several occasions. Applicant has mailed letters to Mr. Rosen dated October 1, 2002 and January 8, 2003. Applicant has had at least two telephone

conversations with Mr. Rosen on January 3 and January 8, 2003. On each of the above occasions Applicant requested that Mr. Rosen forward the declaration to Dr. Parnis for his execution.

4. As is reflected in the attached letter dated January 8, 2003, Mr. Rosen confirmed that he had forwarded the declaration to Dr. Parnis on or about December 9, 2002. Mr. Rosen stated that Dr. Parnis had refused to sign the Declaration.

5. As reflected in the attached January 8 letter, Mr. Rosen refused to provide the address or telephone number of Dr. Parnis.

6. Mr. Rosen advised that Dr. Parnis is no longer located in California, but resides in the Houston area.

7. On January 13, 2003 Applicant called directory assistance and requested a telephone listing in or around Houston for Stephen Parnis and was advised that no such listing was present.

8. On January 13, 2003, Applicant conducted an Internet search for Dr. Parnis on U.S. Search.com (enclosed) which returned a street address of 19200 Space Center Blvd., Unit 28, Houston, Texas.

9. On January 14, 2003, Applicant again mailed a copy of the patent application and a Declaration to Dr Parnis at the address at 19200 Space Center Blvd. via certified mail return receipt requested (copy of letter and Declaration enclosed). Applicant has failed to receive a response or return of the return receipt.

Applicant has acted diligently since submission of patent application to obtain Dr. Parnis' address and obtain his signature on the Declaration. In view of Dr. Parnis' failure to return a signed Declaration, Applicant requests the application be found complete and moved to examination.

Applicant provides herewith a Petition fee of \$130.00 pursuant to §1.17(h).

Applicant authorizes withdrawal from account 19-1351 if additional fees are required.

Respectfully submitted,

David L. Newman
Attorneys for Assignee
Seyfarth, Shaw
55 East Monroe Street
Chicago, Illinois 60603

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of)
)
PARNIS ET AL.)
)
For: VENTRICULAR CONNECTOR)

EXPRESS MAIL CERTIFICATE


MAIL STOP: PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

"Express Mail" label number EV 438703129 US

Date of Deposit: March 12, 2004

I hereby certify that the following attached papers: check
\$385, patent application (spec, claims and abstract), PTO Communication
"On Petition"; Renewed Petition Under 35 USC §116 and 37 CFR
§1.47(a) and 5 sheets of drawings, are being deposited with the United
States Postal Service "Express Mail Post Office to Addressee" service
under 37 CFR 1.10 on the date indicated above and is addressed to the
Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313.


George H. Gerstman
Reg. No. 22,419

